

35

1 ORDINANCE NO. 81- 29

AN ORDINANCE AMENDING THE ZONING CODE OF PALM BEACH COUNTY, ORDINANCE NO. 73-2, AS AMENDED; AMENDING SUBSECTION 300.1, ESTABLISHMENT OF DISTRICTS; CREATING PROVISIONS FOR THE AP-AGRICULTURAL PRESERVATION DISTRICT; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning Act of 1975, as amended, Section 163.3161 et. seq., Florida Statutes, requires each local government to adopt a Comprehensive Plan to guide and manage future development; and

WHEREAS, the Board of County Commissioners of Palm Beach County, pursuant to said Act, adopted Ordinance No. 80-8, establishing a Comprehensive Plan for Palm Beach County; and

13 WHEREAS, the Palm Beach County Comprehensive Plan
14 contains a land use category entitled "Agricultural Preservation"
15 and a land use category entitled "Conservation", which provide
16 for the establishment of a zoning classification which permits
17 only agriculture and related functions; and

WHEREAS, Chapter 125 and 163, Florida Statutes, grant
the authority to the Board of County Commissioners to adopt, amend
and enforce zoning regulations within the unincorporated area of
Palm Beach County; and

WHEREAS, the Board of County Commissioners of Palm Beach County now finds and determines that it is in the public's best interest to establish the AP-Agricultural Preservation District.

26 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
27 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT ORDINANCE
28 NO. 73-2, as amended, known as the Palm Beach County Zoning Code,
29 is hereby amended as follows:

30 SECTION I. Subsection 300.1, of Ordinance 73-2, as
31 amended, is amended to read as follows:

300.1 Establishment of Districts

In order to classify, regulate and restrict the use of land, water, buildings and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open space about buildings; to regulate the intensity

1 of land use, and to promote the orderly urban growth of Palm Beach
2 County, Florida, the unincorporated area is divided into fourteen-
3 {14}- Eighteen (18) districts as follows:

- 4 601 -AG-AGRICULTURAL-DISTRICT- AP-AGRICULTURAL
5 PRESERVATION DISTRICT
6 602-RE-RESIDENTIAL-ESTATE-DISTRICT-AR-AGRICULTURAL
7 RESIDENTIAL DISTRICT
8 603 -RT-RESIDENTIAL-TRANSITIONAL-DISTRICT-RE-RESIDENTIAL
9 ESTATE DISTRICT
10 604 -RS-SINGLE-FAMILY-RESIDENTIAL-DISTRICT-RT-RESIDENTIAL
11 TRANSITIONAL DISTRICT
12 605 -RM-MULTIPLE-FAMILY-RESIDENTIAL-DISTRICT-(MEDIUM-
13 DENSITY)-RTS-RESIDENTIAL TRANSITIONAL SUBURBAN DISTRICT
14 606 -RH-MULTIPLE-FAMILY-RESIDENTIAL-DISTRICT-(HIGH--
15 DENSITY)-RS-SINGLE FAMILY RESIDENTIAL DISTRICT
16 607 -EN-NEIGHBORHOOD-COMMERCIAL-DISTRICT- RM-MULTIPLE
17 FAMILY RESIDENTIAL DISTRICT (MEDIUM DENSITY)
18 608 -EC-GENERAL-COMMERCIAL-DISTRICT-RH-MULTIPLE FAMILY
19 RESIDENTIAL DISTRICT (HIGH DENSITY)
20 609 -ES-SPECIALIZED-COMMERCIAL-DISTRICT-CN-NEIGHBORHOOD
21 COMMERCIAL DISTRICT
22 610 -IL-LIMITED-INDUSTRIAL-DISTRICT- CG-GENERAL
23 COMMERCIAL DISTRICT
24 611 -IG-GENERAL-INDUSTRIAL-DISTRICT- CS-SPECIALIZED
25 COMMERCIAL DISTRICT
26 612 -PC-PRESERVATION/CONSERVATION-DISTRICT- LCD-LIMITED
27 COMMERCIAL DISTRICT
28 613 -PO-PUBLIC-OWNERSHIP-DISTRICT- IL- LIGHT INDUSTRIAL
29 DISTRICT
30 614 -CR-CONSERVATION-RESTRICTED-USE-DISTRICT- IG-GENERAL
31 INDUSTRIAL DISTRICT
32 615 PIPD-PLANNED INDUSTRIAL PARK DISTRICT
33 616 PC-PRESERVATION/CONSERVATION DISTRICT
34 617 -PIPDB-PLANNED-INDUSTRIAL-PARK-DISTRICT-PO-PUBLIC
35 OWNERSHIP DISTRICT
36 618 CR-CONSERVATION RESTRICTED USE DISTRICT

1 SECTION II. Section 601, of Ordinance 73-2, as amended,
2 is created to read as follows:

3 601. AP - Agricultural Preservation District

4 A. PURPOSE AND INTENT

5 The purpose and intent of the AP District is to provide
6 areas for exclusive, bona fide agricultural and farming related
7 operations. This district is established to conserve and protect
8 agricultural lands as an ecologically and economically valued
9 resource by preventing the encroachment of urban land uses in
10 predominately agricultural areas, particularly where soil and
11 water conditions favor continued agricultural production. A wide
12 range of agricultural activities and their accessory uses shall
13 be permitted in this zone, in order to maintain continuation of
14 agriculture as a major industry of Palm Beach County.

15 B. PERMITTED USES

16 In an AP-Agricultural Preservation District, no building,
17 structure or land and water use shall be permitted except for one
18 or more of the following uses:

19 APICULTURE

20 DAIRYING

21 FORESTRY

22 GREENHOUSES

23 GROVES

24 HORTICULTURE

25 LIVESTOCK RAISING

26 NURSERIES

27 PISCICULTURE

28 POULTRY AND EGG PRODUCTION

29 MUSHROOM RAISING

30 CROP RAISING

31 AGRICULTURAL ACCESSORY USES that are customary and
32 incidental to principal agricultural use included but not limited
33 to the following:

34 -Baling Stations

35 -Citrus Packing and Grading Plants

36 -Corral

1 -Dipping Vats
2 -Equipment Storage Sheds
3 -Forage Drying Facilities
4 -Pre-cooling and Packing Plant
5 -Pumping and Drainage Structures
6 -Railway Tracks
7 -Ramie-decortication Plants
8 -Stand for the sale of agricultural products,
9 provided: 1) that no building or structure other than a stand
10 not exceeding three hundred (300) square feet of gross floor area
11 be provided, 2) that such structure maintain mobility of some type
12 such as wheels or skids, 3) that one stand be allowed for each
13 six hundred (600) lineal feet of road frontage, and 4) that such
14 structure be set back twenty-five (25) feet from the pavement or
15 zero (0) feet from the base building line, whichever distance is
16 greater, 5) that such stand not be located within one hundred (100)
17 feet of the intersection of the right-of-way lines of any two
18 dedicated roads.

19 SUGAR MILL AND REFINERY
20 AGRICULTURAL RESEARCH AND DEVELOPMENT facilities,
21 public and private (excluding manufacture and sale of products)
22 PUBLIC OPERATED PARKS AND RECREATION AREAS including
23 but not limited to the following:

24 -Forests and other reservations
25 -Game and wildlife preserves
26 BONA FIDE FARM RESIDENCES on a minimum lot area of
27 160 acres, provided that a residence determined to be a Bona Fide
28 farm residence by the Board of Adjustment may be constructed on a
29 lot of less than 160 acres. Accessory garages and swimming pools
30 may also be permitted.

31 C. USES SUBJECT TO SPECIAL PERMIT REGULATIONS
32 In an AG District, the following buildings, structures,
33 and uses shall be permitted after compliance with the following
34 special regulations.

35 RADIO TOWERS, incidental to an agricultural use,
36 not exceeding one hundred fifty (150) feet in height from ground

1 level if: 1) Setbacks measured from the base of the tower to
2 the property lines shall equal a distance of not less than the
3 height of the tower; 2) Location in such a manner that the
4 tower will not fall on any power lines or adjacent property.

5 D. SPECIAL EXCEPTIONS SUBJECT TO COMMISSION APPROVAL

6 When the Commission determines as a fact, after the
7 review of the application and plans submitted therewith, that
8 the conditions and provisions of Chapter 1, Section 102, Chapter
9 IV, Sections 400, 400.1, 401, and other regulations as set
10 forth and defined in this Code have been met, and when the
11 proposed use or uses are consistent with good zoning practice
12 and are not contrary to the policies of the Comprehensive Land
13 Use Plan of Palm Beach County, the following uses shall be
14 permitted:

15 HORSE TRAINING AND BREEDING FARMS, allowing one groom
16 quarter, etc.

17 PUBLIC AND PRIVATE UTILITY SERVICES and accessory
18 buildings and structures including but not limited to the
19 following:

20 -Electric power and light substation
21 -Gas and water regulation station
22 -Sewage Treatment Plant
23 -Water tower, storage tank, reservoir, treatment
24 plant

25 -Transfer station (See Section 500.4)

26 AIRPLANE LANDING STRIPS, accessory to agricultural
27 uses (See Section 500.7)

28 MIGRANT AND TRANSIENT FARM LABOR QUARTERS AND CAMPS
29 and accessory buildings and structures

30 COMMERCIAL RADIO, TELEVISION, MICROWAVE TRANSMISSION
31 AND RELAY STATIONS AND TOWERS and accessory equipment buildings
32 (See Section 500.10)

33 COMMERCIAL SALES AND SERVICE ENTERPRISES providing
34 products and services of an agricultural nature customarily needed
35 utilized and consumed in rural areas devoted to agricultural land
36 uses, such as feed and grain stores, farm implement sales and

1 service, and the like.

2 VETERINARY OFFICE, related to livestock and other
3 farm animals

4 E. PROPERTY DEVELOPMENT REGULATIONS

5 1. Minimum yard setback requirements

6 Front 100 feet

7 Side (interior) 50 feet

8 Side (corner) 80 feet

9 Rear 100 feet

10 2. Maximum building height, total floor area and
11 lot coverage

12 Maximum Building Height 35 feet

13 Maximum Total Floor Area 10% of the total lot
area

14 Maximum Lot Coverage 10% of the total lot
area

15 EXCEPTION: All agricultural processing and
16 research buildings and accessory uses requiring a height greater
17 than thirty-five (35) feet shall be permitted, provided the
18 minimum yard setback requirements of Chapter 601(E)1. above
19 are met in addition to a three (3) foot setback for all yards
20 for each 10 feet or fraction thereof above thirty-five (35) feet.

21 F. SPECIAL REGULATIONS

22 1. Access

23 (See Section 500.20)

24 2. Offstreet parking

25 (See Section 500.17)

26 3. Offstreet loading

27 (See Section 500.19)

28 4. Parking, storing, keeping of commercial and
29 recreational vehicles (See Section 500.18)

30 5. Landscaping

31 (See Palm Beach County Landscape Ordinance)

32 6. Fences and walls

33 (See Section 500.15)

34 7. Performance Standards

35 (See Section 500.16)

36 8. Signs

(See Palm Beach County Sign Ordinance)

SECTION III. REPEAL OF LAWS IN CONFLICT.

All local laws and Ordinances applying to Palm Beach County in conflict with any provisions of this Ordinance are hereby repealed.

SECTION IV. SEVERABILITY.

If any section, paragraph, sentence, clause, phrase or work of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remainder of this Ordinance.

SECTION V. INCLUSION IN CODE.

The provisions of this Ordinance shall become and be made a part of the Code of laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article" or other appropriate word.

SECTION VI. EFFECTIVE DATE.

The provisions of this Ordinance shall become effective upon receipt of acknowledgement by the Secretary of State, State of Florida.

APPROVED AND ADOPTED by the Board of County
Commissioners of Palm Beach County, Florida, on the 10th
day of NOVEMBER, 1981

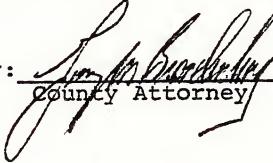
PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: Frank J. Schaefer
Chairman

1 Acknowledgement by the Department of State of the State
2 of Florida, on this, the 19th day of November, 1981.

3 EFFECTIVE DATE: Acknowledgement from the Department of
4 State received on the 23rd day of November,
5 1981, at 1:44 Pm., and filed in the Office of the Clerk of
6 the Board of County Commissioners of Palm Beach County, Florida.

7
8 APPROVED AS TO FORM AND
9 LEGAL SUFFICIENCY

10 By: 
11 County Attorney